

House Bill 1166 (AS PASSED HOUSE AND SENATE)

By: Representatives Williams of the 165th, Barnard of the 166th, and Stephens of the 164th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act providing for a homestead exemption from Liberty County ad valorem
2 taxes for county purposes, approved May 17, 2004 (Ga. L. 2004, p. 3818), so as to provide
3 for certain restrictions to changing a property's base year assessment; to provide that such
4 exemption may transfer to a surviving spouse; to provide for a referendum, effective dates,
5 and automatic repeal; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act providing for a homestead exemption from Liberty County ad valorem taxes for
9 county purposes, approved May 17, 2004 (Ga. L. 2004, p. 3818), is amended by revising
10 subsections (b) and (d) as follows:

11 "(b) Each resident of Liberty County is granted an exemption on that person's homestead
12 from Liberty County ad valorem taxes for county purposes in an amount equal to the
13 amount by which the current year assessed value of that homestead exceeds the adjusted
14 base year assessed value of the homestead. This exemption shall not apply to taxes
15 assessed on improvements to the homestead or additional land that is added to the
16 homestead after January 1 of the base year. If any real property is removed from the
17 homestead, the base year assessed value shall be adjusted to reflect such removal and the
18 exemption shall be recalculated accordingly. The value of that property in excess of such
19 exempted amount shall remain subject to taxation. Upon the county completing a valid
20 assessment of a property to determine such property's base year assessment, the county
21 shall have six months to make any necessary adjustment to the original base year
22 assessment. After six months any other assessment conducted to adjust the property's base
23 year assessment shall not be valid."

24 "(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1
25 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year
26 to year so long as the owner occupies the residence as a homestead. After a person has

1 filed the proper application as provided in subsection (c) of this section, it shall not be
2 necessary to make application thereafter for any year and the exemption shall continue to
3 be allowed to such person. It shall be the duty of any person granted the homestead
4 exemption under subsection (b) of this section to notify the tax commissioner of the county
5 in the event that person for any reason becomes ineligible for that exemption. If the person
6 claiming the exemption is married, the exemption shall automatically transfer to the
7 surviving spouse of the person claiming the exemption; provided, however, that the
8 surviving spouse continues to live in the homestead for which the exemption was claimed."

9 **SECTION 2.**

10 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
11 superintendent of Liberty County shall call and conduct an election as provided in this
12 section for the purpose of submitting this Act to the electors of Liberty County for approval
13 or rejection. The election superintendent shall conduct that election on the date of the
14 November, 2008, state-wide general election, and shall issue the call and conduct that
15 election as provided by general law. The election superintendent shall cause the date and
16 purpose of the election to be published once a week for two weeks immediately preceding
17 the date thereof in the official organ of Liberty County. The ballot shall have written or
18 printed thereon the words:

19 "() YES Shall the Act be approved which provides that a homestead exemption from
20 Liberty County ad valorem taxes for county purposes may be transferred to
21 () NO the surviving spouse upon the death of the person claiming exemption and
22 provides the county a six-month period subsequent to a property's original
23 base year assessment to adjust such assessment for any purpose?"

24 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
25 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
26 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
27 force and effect on January 1, 2009. If the Act is not so approved or if the election is not
28 conducted as provided in this section, Section 1 of this Act shall not become effective and
29 this Act shall be automatically repealed on the first day of January immediately following
30 that election date. The expense of such election shall be borne by Liberty County. It shall
31 be the election superintendent's duty to certify the result thereof to the Secretary of State.

32 **SECTION 3.**

33 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
34 its approval by the Governor or upon its becoming law without such approval.

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SECTION 4.

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All laws and parts of laws in conflict with this Act are repealed.